

ESTTA Tracking number: **ESTTA67085**

Filing date: **02/17/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Miller Products Company
Granted to Date of previous extension	02/19/2006
Address	3939 West Highland Boulevard Milwaukee, WI 53208 UNITED STATES
Attorney information	Marta S. Levine Quarles & Brady LLP 411 East Wisconsin Avenue Milwaukee, WI 53202 UNITED STATES msl@quarles.com Phone:414 277 5000

### Applicant Information

Application No	78447917	Publication date	08/23/2005
Opposition Filing Date	02/17/2006	Opposition Period Ends	02/19/2006
Applicant	Reformed Spirits Company Ltd., The Plaza 535 Kings Road London SW10 OSZ, UNITED KINGDOM		

### Goods/Services Affected by Opposition

Class 033. First Use: 1999/07/00 First Use In Commerce: 1999/07/00  
All goods and services in the class are opposed, namely: Alcoholic beverages, namely gin

Attachments	OppositionMartinMillers.pdf ( 3 pages )
Signature	/MartaLevine/
Name	Marta S. Levine
Date	02/17/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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In the Matter of Application Serial No. 78/447917  
Mark: MARTIN MILLER'S  
Published in the *Official Gazette* on September 22, 2005

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MILLER PRODUCTS COMPANY,

Opposer,

v.

Opposition No. \_\_\_\_\_

THE REFORMED SPIRITS COMPANY  
LTD.,

Applicant.

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**NOTICE OF OPPOSITION**

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Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514.

Opposer Miller Products Company ("Miller") believes that it would be damaged by registration of the mark shown in Application Serial No. 78/447917, and hereby opposes same.

As grounds of opposition, Miller alleges that:

1. Opposer Miller Products Company is a Wisconsin corporation with its principal place of business at 3939 West Highland Boulevard, Milwaukee, Wisconsin 53208. Miller is the owner of trademarks used in connection with the distribution and sale of beer and licenses these trademarks to an affiliated company, Miller Brewing Company, for use in connection with the distribution and sale of beer.

2. Application Serial No. 78/447917 is a trademark application filed by Applicant on July 8, 2004 under Section 1(a) of the Trademark Act of 1946, as amended (15 U.S.C. 1051(a)), for registration of the mark MARTIN MILLER'S for "alcoholic beverages, namely gin" in International Class 033, with an alleged data of first use anywhere and in commerce of July, 1999.

3. Since long prior to the date on which Applicant filed the above application and since long prior to Applicant's alleged use of his mark, Miller has used and continues to use the mark MILLER in interstate commerce in connection with the marketing, sale and distribution of beer and related products.

4. Miller's mark is registered with the U.S. Patent and Trademark Office, including U.S. Trademark Registration No. 506,397 for MILLER Script, which issued on February 22, 1949, and U.S. Trademark Registration No. 2,229,151 for MILLER, which issued on February 22, 1949; these registrations are valid, subsisting, and incontestable.

5. Miller's mark has been extensively used and advertised in interstate commerce to identify Miller and its goods, and Miller has developed and owns valuable property rights and goodwill in said mark.

6. Applicant's proposed mark MARTIN MILLER'S so resembles Miller's mark as to be likely, when used in connection with Applicant's goods, to cause confusion and to cause mistake and to deceive. Specifically, and without limitation, members of the public seeing Applicant's mark are likely to believe or assume that the same identifies goods that are provided by or otherwise associated with or sponsored by Miller.

7. By reason of the foregoing, registration of Applicant's mark will result in irreparable injury to Miller and to its rights in its mark.

WHEREFORE, Miller prays that this opposition be sustained and that registration of Applicant's mark be refused.

Dated: February 17, 2006

Respectfully submitted,

MILLER PRODUCTS COMPANY

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Certificate of Transmittal: I hereby certify that this correspondence is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below:  
Date: February 17, 2006

Marta S. Levine  
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